

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE: *
VICTOR R. OLIVER SIERRA * CASE NO. 09-01343-SEK
* CHAPTER 13
DEBTORS *

MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

TO THE HONORABLE COURT:

COMES NOW, Debtors represented through the undersigned attorney and respectfully alleges and prays:

1. That debtor(s) filed and circulated a **MODIFIED PLAN** to all parties in interest.

2 IN ACCORDANCE WITH FRBP 1017, FRBP 2002, AND FRBP 9013, AND LOCAL GENERAL ORDER NO. 97-01, THE DEBTORS, ALL CREDITORS AND PARTIES IN INTEREST IN THIS CASE, ARE HEREBY NOTIFIED THAT UNLESS AN OPPOSITION TO THIS MOTION IS SUBMITTED IN WRITING WITHIN 21 DAYS FROM THE DATE APPEARING IN THE CERTIFICATE OF SERVICE, INFRA, THE COURT MAY GRANT THIS MOTION, WITHOUT A HEARING.

3. That the modification is based on the fact that this amended plan contemplates the payment in full of secured creditor, First Bank claim in accordance with the resolution of DACO Complaint # 1000745 on which cancellation of mortgage is being requested as part of the remedies sought.

THEREFORE, Debtor respectfully requests from this Honorable Court to accept this motion and grant debtor the opportunity to modify the Confirmed Plan according to 11 USC 1329, and provide any other remedy it may deem appropriate.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY: That on December 21st, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the parties appearing in said system and to all creditors as per master address list attached.

IN SAN JUAN, PUERTO RICO, THIS 21ST day of December, 2009.

Jacqueline E. Hernandez Santiago
JACQUELINE HERNANDEZ SANTIAGO, ESQ.
USDC 203007
ATTORNEY FOR DEBTORS
PO BOX 366431
SAN JUAN, P.R. 00936-6431
TEL. (787) 751-1836/(787) 751-6709

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE: VICTOR OLIVER SIERRA

BK. CASE # 09-01343 SEK

DEBTOR(S)

CHAPTER 13

CHAPTER 13 PAYMENT PLAN

NOTICE: • The following plan contains provisions which may significantly affect your rights. You should read this document carefully and discuss it with your attorney. When confirmed, the plan will bind the debtor and each creditor to its terms. Objections must be filed in writing with the Court and served upon the debtor(s), debtors' counsel, the Trustee and any other entity designated by the Court, at the 341 meeting of creditors or not less than twenty (20) days prior to the scheduled confirmation hearing. For post confirmation Plan Modifications, objections must be filed and notified in the same manner within twenty (20) days from its notification. • This plan does not allow claims. Any party entitled to receive disbursements from the Trustee must file a proof of claim. The Trustee will pay the allowed claims, as filed, provided for in the plan, unless disallowed or expressly modified by the Court and / or the terms of the plan. If no claim is filed, the Trustee will not pay a creditor provided for in the plan, unless ordered by the Court. If the Trustee is to make POST-PETITION REGULAR MONTHLY PAYMENTS to any Secured obligation, then a proof of claim must be filed including the following information: account number, address, due date and regular monthly payment. Secured creditor must notify any change in the monthly payment, three (3) months prior to the effective date of new payment. Those post-petition monthly payments will not exceed the life of the plan. • See the notice of commencement of case for 341 meeting date and claims bar date, the latter is the date by which a proof of claim must be filed in order to participate of the plan distribution.

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee:
 directly by payroll deductions, as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.
3. The Confirmation Order will not vest property of the Estate on Debtor(s) until the Order discharging Debtor(s) is entered.

PLAN DATED:

PRE POST-CONFIRMATION

AMENDED PLAN DATED: December 10, 2009

FILED BY DEBTOR TRUSTEE UNSECURED CREDITOR

III. DISBURSEMENT SCHEDULE SEQUENCE

A. SECURED CLAIMS: Debtor represents that there are no secured claims.
 Secured creditors will retain their liens and shall be paid as follows:

ADEQUATE PROTECTION Payments: Cr. _____ \$ _____

Trustee will pay secured ARREARS:

Cr. _____	Cr. _____	Cr. _____
Acct. _____	Acct. _____	Acct. _____
\$ _____	\$ _____	\$ _____

Trustee will pay REGULAR MONTHLY PAYMENTS:
 (please refer to the above related notice, for important information about this provision)

Cr. _____	Cr. _____	Cr. _____
Acct. _____	Acct. _____	Acct. _____
Monthly Pymt. \$ _____	Monthly Pymt. \$ _____	Monthly Pymt. \$ _____

Trustee will pay IN FULL Secured Claims:

Cr. FIRSTBANK **	Cr. _____	Cr. _____
\$ _____	\$ _____	\$ _____

Trustee will pay VALUE OF COLLATERAL:

Cr. _____	Cr. _____	Cr. _____
\$ _____	\$ _____	\$ _____

Secured Creditor's interest will be insured. INSURANCE POLICY will be paid through plan:

Cr. _____	Ins. Co. _____	Premium: \$ _____
(Please indicate in "Other Provisions" the insurance coverage period)		

Debtor SURRENDERS COLLATERAL TO Lien Holder:

Debtor will maintain REGULAR PAYMENTS DIRECTLY to:
 westernbank is being paid by third party

B. PRIORITIES. The Trustee will pay §507 priorities in accordance with the law [§1322 (a)(2)].

UNSECURED PREFERRED: Plan Classifies Does not Classify Claims.

Class A: Co-debtor Claims: Pay 100% / "Pay Ahead": _____

Class B: Other Class: _____

<input type="checkbox"/> Cr. _____	<input type="checkbox"/> Cr. _____	<input type="checkbox"/> Cr. _____
\$ _____	\$ _____	\$ _____

D. GENERAL UNSECURED NOT PREFERRED: (Case Liquidation Value = \$ _____)

Will be paid 100% plus _____ % Legal Interest. Will be paid Pro-Rata from any remaining funds

OTHER PROVISIONS:

**Firstbank will be paid in accordance with resolution of DACO complaint 1000745 on which the mortgage is being requested to be cancelled as part of the remedies in addition to damages. Any net amounts awarded as damages to debtor will be delivered to trustee to fund the plan accordingly. *The net profits estimated by debtor to be received as part of the liquidation of conjugal society on sale of res. is aprox. \$12,000.00

ATTORNEY FOR DEBTOR: JACQUELINE E. HERNANDEZ SANTIAGO, ESQ. Phone: (787) 751-1836

Signed:
 DEBTOR VICTOR OLIVER SIERRA

JOINT DEBTOR

CETIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this date I electronically filed a true and exact copy of the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

ALEJANDRO OLIVERAS RIVERA	aorecf@ch13sju.com
OSMARIE NAVARRO MARTINEZ	aorecf@ch13sju.com
MIRIAM D SALWEN ACOSTA	aorecf@ch13sju.com
JACQUELINE E HERNANDEZ SANTIAGO	quiebras1@gmail.com
MONSITA LECAROZ ARRIBAS	ustpregion21.hr.ecf@usdoj.gov
MARYSOL LOPEZ GONZALEZ	mlopez@martineztorreslaw.com
VANESSA M TORRES QUINONES	mbaldera@martineztorreslaw.com

I DO HEREBY FURTHER CERTIFY that on the same date a true and exact copy of the foregoing has been sent by regular United States mail to Debtor, Victor R. Oliver Sierra, PO Box 710, Rio Grande, PR 00745 and to the following:

CITICARD PO BOX 6017 THE LAKES, NV 89163-6017	(2713168) (cr)
CITIFINANCIAL PO BOX 71325 SAN JUAN, PR 00936-8425	(2713169) (cr)
FIRST BANK DE PUERTO RICO (VTQ) MARTINEZ & TORRES LAW OFFICES P.S.C. PO BOX 192938 SAN JUAN PR 00919-2938	(2758250) (cr)
FIRSTBANK PO BOX 13817 SAN JUAN, PR 00908-3817	(2713170) (cr)
GE Consumer Finance For GE Money Bank dba PEP BOYS/CAR CARE ONE/GEMB PO Box 960061 Orlando FL 32896-0661	(2782597) (cr)
HOME DEPOT	(2713171)

PROCESSING CENTER (cr)
P O BOX 689100
DES MOINES, IA 50368

ISLAND FINANCE (2713172)
PO BOX 195369 (cr)
SAN JUAN, PR 00919-5369

MUEBLERIAS BERRIOS (2713173)
P O BOX 674 (cr)
CIDRA, PR 00639

PEP BOYS (2713174)
GE MONEY BANK (cr)
PO BOX 960061
ORLANDO, FL 32896-0061

Recovery Management Systems Corporation
For GE Money Bank (2782596)
dba SAM'S CLUB (cr)
25 SE 2nd Ave Ste 1120
Miami FL 33131

Roundup Funding, LLC (2749001)
MS 550 (cr)
PO Box 91121
Seattle, WA 98111-9221

SAM'S (2713175)
P O BOX 981064 (cr)
EL PASO, TX 79998

SANTANDER FINANCIAL SERVICES D/B/A ISLAND FINANCE (2724179)
C/O LIGIA RIVERA BUJOSA (cr)
PO BOX 7011
PONCE PR 00732

In San Juan, Puerto Rico this 21st day of December, 2009.

Jacqueline E. Hernandez Santiago
JACQUELINE E. HERNANDEZ SANTIAGO, ESQ.
ATTORNEY FOR DEBTORS (S)
USDC-PR 203007
P.O. BOX 366431
SAN JUAN, PR 00936-6431
TELS. (787)751-1836/(787)751-6709